

Minutes

Randolph County Commissioners

July 6, 1998

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Fyre, Kemp, Holmes, Davis, and Mason were present. Rev. Joe Farlow, Randleman Police Chief, gave the invocation, after which everyone recited the Pledge of Allegiance.

Addition/Deletion to Agenda

Chairman Frye announced the deletion of the portion of item E. under the consent agenda that reads "Appoint Lt. Lanny McIver to Replace Sheriff Litchard Hurley;" he also added, under New Business, item L. "Resolution Appointing Dean Spinks as Plat Review Officer for Trinity."

Special Presentations

Chairman Frye presented a retirement plaque to Jerry Shaw of the Sheriffs Department for 16 years of service. He also presented a framed certificate of appreciation to Tyler Lisk for 24 years of service as a member of the Randolph Community College Board of Trustees.

Consent Agenda

On motion of Holmes, seconded by Davis, the Board unanimously approved the consent agenda, as follows:

- *approve minutes of June 1, 2, 8, 15, and 22;*
- *approve resolutions adding Betsy Lane, Cedarwood Court, Arrowstone Drive, and Beechwood Court to the State System of Roads;*
- *appoint Patricia Garren to a one-year initial term and reappoint Susan Behr and Cindy Hilliard to three-year terms on the Nursing Home/Adult Care Home Community Advisory Committee;*
- *reappoint Lynn Scherer to a one-year term as animal cruelty investigator;*
- *appoint Judge Brad Long to replace Judge Bill Neely on the Criminal Justice Partnership Advisory Board.*

Release of Zoning Jurisdiction to Randleman

Rick Hardin, Randleman City Manager, reviewed Randlemans previous request for the County to relinquish zoning jurisdiction on about 1700 acres bordering Randleman city limits. He said that he and Hal Johnson, County Planning and Zoning Director, had met and worked out a compromise, according to County Commissioners instructions after their last meeting. He then presented a map showing a new proposal of about 1484 acres, all within a one-mile radius of the city limits. Mr. Hardin stated that in this area existing singlewide mobile homes would be grandfathered in and doublewides would be allowed.

Chairman Frye stated that he would allow comments from the audience.

Bill Wall commented that half of the 100 acres of his uncles farm that has been taken out of the original plan is being taken by D.O.T., so actually only 50 acres is being excluded from the new proposal. He said that the current Wall Brothers Road will be replaced by a new one.

Butch Coltrane stated that the proposed extraterritorial zoning jurisdiction (ETJ) area takes in a part of Sophia and that this would take away their community atmosphere. He said there should be a buffer between Sophia and Randlemans ETJ.

On motion of Davis, seconded by Kemp, the Board unanimously voted to approve the release of zoning jurisdiction to the City of Randleman as amended and shown on the map (ATTACHED) presented today.

Ramseur Economic Development Project

Hampton Spivey, Mayor of Ramseur, stated that the Town is working on an economic development project that requires extension of water and sewer to the site. An engineer has estimated that it will cost \$93,000 to extend both water and sewer. Mr. Spivey requested a loan of \$65,000 from the County in order to pay for sewer extension.

The Board questioned Mr. Spivey at length and discussed terms of payback if they approve the loan.

On motion of Kemp, seconded by Holmes, the Board unanimously agreed to loan \$65,000 to the Town of Ramseur, to be paid back at no interest over an 8-year period, beginning July, 1999, with payments of \$4,062.50 to be made twice a year.

Update on Animal Control Ordinance

MiMi Cooper, Health Director, reviewed proposed changes in the ordinance since her last report to the Commissioners. These changes dealt with the exotic reptile and the wild and dangerous animals sections. She also proposed that a sentence be added to page 7 section 2. Confinement in a Major Subdivision that will read, "Appendix A to this ordinance as updated from time to time lists subdivisions that operate under a leash restriction pursuant to this section."

The Board suggested adding a requirement for snake owners to be registered with the County. Two people in the audience expressed a concern about relaxing regulations for reptiles and about not regulating primates. Chairman Frye asked them to discuss their concerns with Ms. Cooper after the meeting.

Annual Settlement Report

Ben Chavis, Tax Assessor/Collector, shared a chart showing the growth of revenue and the collection rate for the last five years. He then presented the settlement report for FY 1997-98. He stated that the overall collection rate for the year was 98.88%, which is an increase over last years 98.84%. Collection rate for ambulance fees was 73.99%.

On motion of Davis, seconded by Holmes, the Board unanimously accepted the 1997-98 tax settlement report (ATTACHED).

Reappointment of Tax Assessor/Collector

On motion of Kemp, seconded by Mason, the Board unanimously reappointed Ben Chavis as Tax Assessor/Collector to a four-year term expiring July 11, 2002, and set his bond at \$200,000.

Swearing In of Tax Collector

Alice Dawson, Clerk to the Board, administered the Tax Collectors Oath of Office to Ben Chavis.

Charge to the Tax Collector

On motion of Mason, seconded by Holmes, the Board unanimously authorized Ben Chavis, Tax Collector, to collect taxes for the 1998-99 fiscal year, as set forth in the Charge to the Tax Collector:

To Benjamin T. Chavis, Tax Collector of the County of Randolph: You are hereby authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the office of the County Assessor and in the tax records delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Randolph and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

1998-99 Classification Plan

Hal Scott, Jr., Personnel Director, presented for approval the 1998-99 Classification Plan in accordance with actions approved by the Board during the budget process. The General County Classification Plan reflects the 3% across-the-board increase for County employees. Law enforcement positions have been placed in a newly created Law Enforcement Classification Plan to accommodate the additional 2% that Sergeant, Corporal, Deputy, and Jailer Classes received. The Telecommunications and Emergency Medical Technicians Classification Plan has been increased 3% for Telecommunications positions and 5% for Emergency Medical Technician positions.

On motion of Mason, seconded by Davis, the Board unanimously approved the 1998-99 Classification Plan (ATTACHED) as presented.

Mr. Scott reported that there had been a computer error in calculating the amount needed for the entire salary package. The reported amount was \$60,143 more than was needed. Mr. Scott recommended keeping this overage in the contingency account in case health insurance stop-loss payments exceed the budgeted amount. The Board concurred with this recommendation.

Public Hearing on Addition of Junk Vehicle Regulations to Unified Development Ordinance

The Board set a public hearing on this matter for 5:30 p.m. on August 3, 1998.

September Meeting Date

On motion of Holmes, seconded by Mason, the Board unanimously set their regular September meeting for Tuesday, September 8, because of the Labor Day holiday.

Voting Delegate for NCACC Conference

On motion of Davis, seconded by Mason, the Board unanimously appointed Chairman Frye as voting delegate and Commissioner Kemp as alternate voting delegate for the NC Association of County Commissioners Annual Conference in Charlotte in August.

Appointment to County Planning Board

On motion of Holmes, seconded by Kemp, the Board unanimously approved Chairman Fries recommendation to appoint Tommy Boyd to fill the unexpired term of Aweilda Williams on the County Planning Board, with term expiring February, 2001.

Resolution Appointing Plat Review Officer for Trinity

On motion of Mason, seconded by Holmes, the Board unanimously approved the following resolution:

WHEREAS, S.L. 1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, the new G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Randolph County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

NOW THEREFORE, BE IT RESOLVED, effective July 6, 1998, that Dean Spinks in the City of Trinity is hereby appointed to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes.

BE IT FURTHER RESOLVED that a copy of this Resolution designating this Review Officer be recorded in the Randolph County Register of Deeds Office and indexed in the name of the Review Officer.

Budget Amendment - Day Reporting Center Grant

On motion of Davis, seconded by Kemp, the Board unanimously approved Budget Amendment #1 to the FY 1998-99 Annual Budget, to reflect Criminal Justice Partnership grant funds received for the Day Reporting Center, as follows:

GENERAL FUND #1

Appropriations	Increase
Criminal Justice Partnership	131,509
Revenues	Increase
Restricted Intergovernmental	131,509

Budget Amendment - Community Based Alternatives

On motion of Holmes, seconded by Davis, the Board unanimously approved Budget Amendment #2 to the FY 1998-99 Annual Budget to reflect a state allocation of funds for Community Based Alternatives programs, as follows:

GENERAL FUND - #2

Appropriations	Increase
Community Based Alternatives	265,013
Revenues	Increase
Restricted Intergovernmental	265,013

Budget Amendment - Public Health

On motion of Davis, seconded by Holmes, the Board unanimously approved Budget Amendment #3 to the FY 1998-99 Annual Budget to reflect state funding for the Health Departments TB program, as follows:

GENERAL FUND - #3

Appropriations	Increase
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Public Health	875
Revenues	Increase
Restricted Intergovernmental	875

Budget Amendment - Loan to Ramseur

On motion of Mason, seconded by Kemp, the Board unanimously approved Budget Amendment #4 to the FY 1998-99 Annual Budget in order to provide funds for a loan to Ramseur, as voted on earlier in this meeting, as follows:

GENERAL FUND - #4

Appropriations	Increase
Advance Town of Ramseur	65,000
Revenues	Increase
Fund Balance Appropriated	65,000

Industrial Revenue Bond Project (Vitafoam) Public Hearing and Resolution

Bill Ivey, Bond Attorney for the County, explained that this project is taking place in Guilford County but that a small part of Vitafoams facility is in Randolph County. Therefore, a public hearing is required in Randolph County as well as in Guilford. This is a \$7.2 million project for acquisition of equipment that will make Vitafoams manufacturing process more environmentally friendly. Mr. Ivey stated that the Randolph County Industrial Bond Authority will meet later this month to consider the project, which will create 27 new jobs. Guilford Countys Authority has already approved the project.

Chairman Frye opened the public hearing and asked for public comments; hearing none, he closed the public hearing.

On motion of Holmes, seconded by Mason, the Board unanimously approved the following resolution: APPROVAL OF INDUSTRIAL PROJECT FOR VITAFOAM INCORPORATED, AND THE FINANCING THEREOF WITH INDUSTRIAL REVENUE BONDS IN THE PRINCIPAL AMOUNT OF UP TO \$7,200,000 TO BE ISSUED BY THE GUILFORD COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY

WHEREAS: The Guilford County Industrial Facilities and Pollution Control Financing Authority (the "Guilford County Authority") has agreed to assist in the financing under the North Carolina Industrial and Pollution Control Facilities Financing Act (the "Act") of an industrial project by Vitafoam Incorporated, a North Carolina corporation (the "Company"), which plans to acquire and install equipment in two facilities for the manufacture of polyurethane foam and polyester fiber batting and related products in High Point (the "Project"), to be located in each of Guilford and Randolph Counties, and the Guilford County Authority has indicated that agreement by the execution of an Inducement Agreement between the Guilford County Authority and the Company dated February 25, 1998; and

WHEREAS, under Section 159C-10 of the Act the issuance of bonds under the Act must be approved by the governing body of the county in which a part of the project to be financed under the Act is located; and

WHEREAS, this Board of Commissioners has today held a public hearing with respect to the advisability of the Project and the issuance of bonds therefor, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

WHEREAS, Section 147(f) of the Code requires that the Board of Commissioners approve the issuance of the bonds; and

WHEREAS, the Guilford County Authority intends to issue its Industrial Development Revenue Bonds (Vitafoam Incorporated Project), Series 1998 (the "Bonds") in the principal amount of \$7,200,000 which will be secured by a letter of credit issued by a United States bank;

NOW, THEREFORE, the Board of Commissioners of Randolph County, meeting in regular session at Asheboro, North Carolina, on July 6, 1998, do the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR RANDOLPH COUNTY:

1. The proposed "industrial project" consisting of the acquisition and installation of equipment in two facilities for the manufacture of polyurethane foam and polyester fiber batting and related products by Vitafoam Incorporated, a part of which will be located in each of Guilford County and Randolph County, and the issuance of bonds in an amount not to exceed \$7,200,000 therefor are hereby approved.
2. The Board of Commissioners hereby approves the issuance of the Bonds as required by Section 147(f) of the Code.
3. The Board of Commissioners hereby consents to the issuance of the Bonds in the principal amount of \$7,200,000 for purposes of Section 159C-10 of the Act. Exhibit A - Certificate and Summary

The undersigned Clerk of the Board of Commissioners of Randolph County, North Carolina, hereby certifies:

1. Notice of a public hearing (the "Hearing") to be held on July 6, 1998, with respect to the issuance of bonds by The Guilford County Industrial Facilities and Pollution Control Financing Authority (the "Guilford County Authority") for the benefit of Vitafoam Incorporated, (a North Carolina Corporation, or a designated affiliate (the "Company") was published on June 22, 1998, in The Courier-Tribune.
2. The presiding officer of the Hearing was Chairman Darrell Frye.
3. The following is a list of names and addresses of all persons who spoke at the Hearing: No one spoke.
4. The following is a summary of the oral comments made at the Hearing: No comments made.

IN WITNESS WHEREOF, my hand and the seal of Randolph County, this 6th day of July, 1998.

Clerk, Board of Commissioners of Randolph County, North Carolina

Rezoning Public Hearing

At 6:30 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning and Zoning Director, presented the following requests:

1. Mark Langley, Liberty, is requesting that 24.7 acres on Starmount Road, Liberty Township, be rezoned from RA to RR for a subdivision that would allow site-built, Class A doublewide, and modular homes on a minimum lot size of 40,000 square feet. The Planning Board unanimously recommended approval.
2. Curtis Price, Randleman, is requesting that 14.8 acres at the end of Acts Temple Drive, Level Cross Township, be rezoned from RA to RM/CU to allow 3 lots to be added to Acts Temple Mobile Home Park. The Planning Board unanimously recommended approval.
3. Seldom Rest Cabinet Shop, Bennett, is requesting that 1.5 acres (out of 6.84) on Nuby Purvis Road, Mary Purvis Division lot 2, Pleasant Grove Township, be rezoned from RA to HC/CU to allow a 100 x 120 cabinet shop to be constructed with minor expansion on the sides and rear of the building in the future. The Planning Board unanimously recommended approval.

Citizen Comments - Request #1

Mark Langley, 5613 Hwy 49 North, Liberty, stated that he is developing this subdivision for Martha Coleman, the property owner. He plans to build 2 speculation modular houses along the front on Starmount Road, and he will build a paved street to state standards. He said there are 6 homes using a private road that will be taken into lots 3-8 but that he plans to give an easement between lots 8 and 9 from the proposed new street to the private road. All the houses along the private road are beyond the portion that would be abandoned because of the new lots. Mr. Langley said that the private road doesn't meet state standards and won't ever be paved. He stated that the only recorded easement to the private road that he could find is for Danny Stevens, who has agreed to using the new street instead.

Chairman Frye noted that the Martha Coleman, the property owner, had called him in support of the project.

Sandra Farmer, 4811 Hoots Hollow Road, Liberty, stated that she lives on the private road in question and presented for inspection a recorded easement for the entire road up to her house. She asked if the road bed could be moved without her permission. She said the reason this road has not been paved is because Martha Coleman, the property owner for the proposed subdivision, and Frances Dodson, another adjacent property owner, would not sign for a state right-of-way. Mrs. Farmer opposed the rezoning and also said she does not want to give up the current private road because she keeps children and they use the road a lot for walking and biking.

Kelly Coble, 4595 Troy Smith Road, Liberty, said he owns 10 acres nearby on which he plans to build. He opposed the number of houses planned, stating that this is a very rural area and he wants it to stay that way.

Luther Coble, 4576 Gilmore Drive, Liberty, opposed the request, stating that he bought property in the area because of the wildlife and the quiet.

Lynda Williams, 6767 Brookbank Road, Summerfield, identified herself as the daughter of Frances Dodson, adjacent property owner. She said she was speaking on behalf of her mother, who is deaf and legally blind. She opposed the development and said that the proposed entrance is not safe.

Iris Stone, 1009 S. Church Street, Asheboro, daughter of Frances Dodson, adjacent property owner, said the development would destroy the quiet rural setting and could lower property values.

Jeff Blalock, 887 Starmount Road, Liberty, said the soil is very poor in this area and probably wont handle 18 septic tanks.

Jimmy Shelton, 4948 Troy Smith Road, Liberty, opposed the number of houses and location of entrance.

Sandra Young, 5067 Troy Smith Road, Liberty, said his family owns 365 acres nearby and that they want the area to remain agricultural.

Citizen Comments - Request #2

Curtis Price, 252 Price-Noble Road, Randleman, said all he intends to do is add 3 more mobile homes.

Citizen Comments - Request #3

Mark Purvis, 8280 Howard Mill Road, Bennett, spoke in support of his request.

Chairman Frye closed the public hearing.

Board Action on Requests

On motion of Kemp, seconded by Holmes, the Board unanimously denied the request of Mark Langley.

On motion of Davis, seconded by Mason, the Board unanimously approved the request of Curtis Price.

On motion of Mason, seconded by Holmes, the Board unanimously approved the request of Seldom Rest Cabinet Shop.

Darrell L. Frye, Chairman

Robert B. Davis

Phil Kemp

Robert O. Mason

J. Harold Holmes

Alice D. Dawson, Clerk to the Boar